

SB3121



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3121

Introduced 2/19/2016, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

105 ILCS 10/6

from Ch. 122, par. 50-6

Amends the Illinois School Student Records Act. Makes a technical change in a Section concerning disclosure of school student records.

LRB099 20727 MLM 45370 b

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois School Student Records Act is
5 amended by changing Section 6 as follows:

6 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

7 Sec. 6. (a) No school student records or information
8 contained therein may be released, transferred, disclosed or
9 otherwise disseminated, except as follows:

10 (1) to a parent or student or person specifically
11 designated as a representative by a parent, as provided in
12 paragraph (a) of Section 5;

13 (2) to an employee or official of the ~~the~~ school or
14 school district or State Board with current demonstrable
15 educational or administrative interest in the student, in
16 furtherance of such interest;

17 (3) to the official records custodian of another school
18 within Illinois or an official with similar
19 responsibilities of a school outside Illinois, in which the
20 student has enrolled, or intends to enroll, upon the
21 request of such official or student;

22 (4) to any person for the purpose of research,
23 statistical reporting, or planning, provided that such

1 research, statistical reporting, or planning is
2 permissible under and undertaken in accordance with the
3 federal Family Educational Rights and Privacy Act (20
4 U.S.C. 1232g);

5 (5) pursuant to a court order, provided that the parent
6 shall be given prompt written notice upon receipt of such
7 order of the terms of the order, the nature and substance
8 of the information proposed to be released in compliance
9 with such order and an opportunity to inspect and copy the
10 school student records and to challenge their contents
11 pursuant to Section 7;

12 (6) to any person as specifically required by State or
13 federal law;

14 (6.5) to juvenile authorities when necessary for the
15 discharge of their official duties who request information
16 prior to adjudication of the student and who certify in
17 writing that the information will not be disclosed to any
18 other party except as provided under law or order of court.
19 For purposes of this Section "juvenile authorities" means:
20 (i) a judge of the circuit court and members of the staff
21 of the court designated by the judge; (ii) parties to the
22 proceedings under the Juvenile Court Act of 1987 and their
23 attorneys; (iii) probation officers and court appointed
24 advocates for the juvenile authorized by the judge hearing
25 the case; (iv) any individual, public or private agency
26 having custody of the child pursuant to court order; (v)

1 any individual, public or private agency providing
2 education, medical or mental health service to the child
3 when the requested information is needed to determine the
4 appropriate service or treatment for the minor; (vi) any
5 potential placement provider when such release is
6 authorized by the court for the limited purpose of
7 determining the appropriateness of the potential
8 placement; (vii) law enforcement officers and prosecutors;
9 (viii) adult and juvenile prisoner review boards; (ix)
10 authorized military personnel; (x) individuals authorized
11 by court;

12 (7) subject to regulations of the State Board, in
13 connection with an emergency, to appropriate persons if the
14 knowledge of such information is necessary to protect the
15 health or safety of the student or other persons;

16 (8) to any person, with the prior specific dated
17 written consent of the parent designating the person to
18 whom the records may be released, provided that at the time
19 any such consent is requested or obtained, the parent shall
20 be advised in writing that he has the right to inspect and
21 copy such records in accordance with Section 5, to
22 challenge their contents in accordance with Section 7 and
23 to limit any such consent to designated records or
24 designated portions of the information contained therein;

25 (9) to a governmental agency, or social service agency
26 contracted by a governmental agency, in furtherance of an

1 investigation of a student's school attendance pursuant to
2 the compulsory student attendance laws of this State,
3 provided that the records are released to the employee or
4 agent designated by the agency;

5 (10) to those SHOCAP committee members who fall within
6 the meaning of "state and local officials and authorities",
7 as those terms are used within the meaning of the federal
8 Family Educational Rights and Privacy Act, for the purposes
9 of identifying serious habitual juvenile offenders and
10 matching those offenders with community resources pursuant
11 to Section 5-145 of the Juvenile Court Act of 1987, but
12 only to the extent that the release, transfer, disclosure,
13 or dissemination is consistent with the Family Educational
14 Rights and Privacy Act;

15 (11) to the Department of Healthcare and Family
16 Services in furtherance of the requirements of Section
17 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or
18 Section 10 of the School Breakfast and Lunch Program Act;
19 or

20 (12) to the State Board or another State government
21 agency or between or among State government agencies in
22 order to evaluate or audit federal and State programs or
23 perform research and planning, but only to the extent that
24 the release, transfer, disclosure, or dissemination is
25 consistent with the federal Family Educational Rights and
26 Privacy Act (20 U.S.C. 1232g).

1 (b) No information may be released pursuant to subparagraph
2 (3) or (6) of paragraph (a) of this Section 6 unless the parent
3 receives prior written notice of the nature and substance of
4 the information proposed to be released, and an opportunity to
5 inspect and copy such records in accordance with Section 5 and
6 to challenge their contents in accordance with Section 7.
7 Provided, however, that such notice shall be sufficient if
8 published in a local newspaper of general circulation or other
9 publication directed generally to the parents involved where
10 the proposed release of information is pursuant to subparagraph
11 (6) of paragraph (a) of this Section 6 and relates to more than
12 25 students.

13 (c) A record of any release of information pursuant to this
14 Section must be made and kept as a part of the school student
15 record and subject to the access granted by Section 5. Such
16 record of release shall be maintained for the life of the
17 school student records and shall be available only to the
18 parent and the official records custodian. Each record of
19 release shall also include:

20 (1) the nature and substance of the information
21 released;

22 (2) the name and signature of the official records
23 custodian releasing such information;

24 (3) the name of the person requesting such information,
25 the capacity in which such a request has been made, and the
26 purpose of such request;

1 (4) the date of the release; and

2 (5) a copy of any consent to such release.

3 (d) Except for the student and his parents, no person to
4 whom information is released pursuant to this Section and no
5 person specifically designated as a representative by a parent
6 may permit any other person to have access to such information
7 without a prior consent of the parent obtained in accordance
8 with the requirements of subparagraph (8) of paragraph (a) of
9 this Section.

10 (e) Nothing contained in this Act shall prohibit the
11 publication of student directories which list student names,
12 addresses and other identifying information and similar
13 publications which comply with regulations issued by the State
14 Board.

15 (Source: P.A. 99-78, eff. 7-20-15.)